

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

CHERYL PASCARELLI,)	
)	
Plaintiff,)	Civil Action No. CV222-075
)	
v.)	State Court of Glynn County
)	Civil Action No. CV20220154
PUBLIX SUPER MARKETS, INC.,)	
)	
Defendant.)	

DEFENDANT’S NOTICE OF REMOVAL

According to 28 U.S.C. § 1446, Defendant PUBLIX SUPER MARKETS, INC (hereinafter “Publix”), files this Notice of Removal in the United States District Court for the Southern District of Georgia, Brunswick Division, and invokes this Court’s jurisdiction for the following reasons:

1.

This personal injury action was filed on June 30, 2022 when Plaintiff filed a Summons and Complaint in the State Court of Glynn County, Georgia, styled as *Cheryl Pascarelli v. Publix Super Markets, Inc.*, Civil Action No. CV20220154 (See Complaint, attached hereto as Exhibit “A”; Summons, attached hereto as Exhibit “B”).

2.

This case is subject to removal according to 28 U.S.C. § 1332.

3.

Defendant Publix Super Markets, Inc. is a Florida corporation that was not domiciled in the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit, or at any time relevant to this lawsuit. (See 2022 Georgia Secretary of State search results, attached

hereto as Exhibit “C”). Defendant is filing an Answer to Plaintiff’s Complaint in this Court contemporaneously with this Notice of Removal.

4.

Plaintiff is a citizen and resident of the State of Hawaii. (See ¶1, Plaintiff’s Complaint).

5.

Complete diversity of citizenship exists between Plaintiff and Defendant.

6.

With respect to removal based on diversity jurisdiction, this Notice of Removal is timely because it has been filed within thirty (30) days of the date that Publix received the Summons and Complaint.

7.

This action involves a claim for personal injury arising out of an alleged slip and fall incident which occurred in Glynn County, Georgia on November 27, 2021. As a result of the alleged incident, Plaintiff claims she “suffered serious injuries and damages.” (See ¶14, Plaintiff’s Complaint). More specifically, she seeks recovery of past medical expenses, plus future medical expenses, and compensation for past, present and future physical pain and suffering. (Id. at ¶¶ 21–22). Thus, the amount in controversy, exclusive of interest and costs, likely exceeds the sum or value of \$75,000¹.

8.

This Court has jurisdiction of this matter according to 28 U.S.C. § 1332(a) because complete diversity exists between the parties and the amount in controversy likely exceeds \$75,000.

¹ Publix specifically denies that Plaintiff is entitled to recover any amount.

9.

By serving a copy of this Notice of Removal, as documented in the attached Certificate of Service, Defendant hereby gives Plaintiff notice of Defendant's removal of the action to this Court. Further, Publix gives notice by filing a notice in the State Court of Glynn County. (See Notice of Filing Notice of Removal and Certificate of Service, attached collectively hereto as Exhibit "D").

WHEREFORE Defendant asks this Court to exercise jurisdiction over this claim from the State Court of Glynn County, Georgia. Defendant further asks that this action proceed as removed according to this Court's diversity jurisdiction under 28 U.S.C. § 1332(a).

This 11th day of August, 2022.

BRENNAN & WASDEN, LLC

By: /s/ Wiley A. Wasden, III
Wiley A. Wasden, III
Georgia Bar No. 738750
*Attorney for Publix Super
Markets, Inc.*

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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all parties in this case with a true and accurate copy of **Defendant's Notice of Removal** (with Exhibits "A" through "D"), according to the following identified methods: by email in Portable Document Format (PDF) to: kshortway@forthepeople.com and by depositing same in the U.S. Mail in an envelope with sufficient postage affixed thereon, properly addressed to the following recipient at the following address:

Kendall B. Shortway, Esq.
Morgan & Morgan
777 Gloucester Street, Suite 400
Brunswick, GA 31520

This 11th day of August, 2022.

BRENNAN & WASDEN, LLC

By: /s/ Wiley A. Wasden, III
Wiley A. Wasden, III
Georgia Bar No. 738750
*Attorney for Publix Super
Markets, Inc.*

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